



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,978	09/05/2003	Kirk M. Bresniker	10990474-3	8933

7590 07/01/2005  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER	
DUONG, HUNG V	
ART UNIT	PAPER NUMBER
2835	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EV

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/655,978	BRESNIKER, KIRK M.	
	Examiner	Art Unit	
	Hung v. Duong	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/18/03.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

**HUNG WAN DUONG**  
**PRIMARY EXAMINER**

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 21-45 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Pat. 6,678,155. Although the conflicting claims are not identical, they are not patentably distinct from

Art Unit: 2835

each other because it has been held that omission of a limitation and break the original independent claims of some dependent claims for example in original claim 1 (Pat. 155) has broken to claims 21, 24, 25 (new application) or the original claim 5 (Pat. 155) has broken to claims 27, 30, 31 (new application) in a combination where the remaining elements perform the same functions as before involves only routine skill in the art.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims rejected under 35 U.S.C. 102(e) as being anticipated by Ciccone (US Pat. 6,128,504).

Regarding claims 21-23, 27-29, 33-35, 39-42 Ciccone discloses a server system, the system comprising: at least one server module; a base station 10 having at least one servicing component for providing a service to the at least one server module 20, wherein the at least one server module 20 is attachable to the base station 10 wherein the at least one servicing component 30 comprises: a power supply, wherein the power supply is disposed within the base station 10 and supplies power requirements of the at

Art Unit: 2835

least one server module 20 wherein the at least one servicing component 30 further comprises: a converter, thereby enabling provision of a D.C. voltage to the at least one server module 20 by the base station 10.

Regarding method claims 27-29, 40-42, the apparatus as mentioned above can perform the method claims.

4. Claims rejected under 35 U.S.C. 102(e) as being anticipated by Graves (US Pat. 6,058, 019).

Regarding claims 21-23, 27-29, 33-35, 39-42 Graves discloses a server system 100, the system comprising: at least one server module 102; a base station 101 having at least one servicing component for providing a service to the at least one server module 102, wherein the at least one server module 102 is attachable to the base station 101 wherein the at least one servicing component 103 comprises: a power supply, wherein the power supply is disposed within the base station 101 and supplies power requirements of the at least one server module 102 wherein the at least one servicing component 103 further comprises: a converter, thereby enabling provision of a D.C. voltage to the at least one server module 102 by the base station 101.

Regarding method claims 27-29, 40-42, the apparatus as mentioned above can perform the method claims.

***Allowable Subject Matter***

5. Claims 24-26, 36-38, and 43-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to show that at least one the servicing component comprises: air moving equipment for cooling the integrated server system; and a substantially continuous air passage linking the base station and the at least one module or that a LAN connection disposed in the base station; and a network switch card in communication with the LAN connection, disposed in the base station; and one internal connection between the network switch card for each of the at least one server modules, thereby enabling the LAN connection disposed in the base station to service the at least one server module.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Boyle et al (US Pat. 6,138,158) teach method and system for pushing and pulling data using wideband and narrowband transport system.

Nilssen (US Pat. 6,167,278) teaches combination cordless cellular telephone system.

Art Unit: 2835

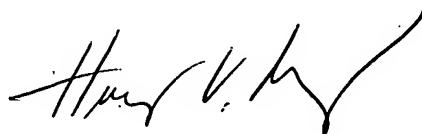
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung v Duong whose telephone number is 571-272-2041. The examiner can normally be reached on M-F from 8:30 to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Field can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVD

6/21/05

A handwritten signature in black ink, appearing to read 'Hung V. Duong', with a stylized flourish at the end.

Hung Duong  
Primary Examiner.